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Permanent Forum on Indigenous Issues
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Draft report

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Chapter I
Matters calling for action by the Economic and Social Council or brought to its attention

B. Matters brought to the attention of the Economic and Social Council

Future work

1. The Permanent Forum on Indigenous Issues discussed the theme for its eleventh session, "The Doctrine of Discovery: its enduring impact on indigenous peoples and the right to redress for past conquests (articles 28 and 37 of the United Nations Declaration on the Rights of Indigenous Peoples)". Forum members agreed to emphasize the latter part of the theme by including a focus on redefining indigenous and State relationships as an equally important lens through which to understand the Doctrine of Discovery in order to develop a vision of the future for reconciliation, peace and justice.

2. The Permanent Forum notes the information reported to the Arctic Council ministerial meeting held in Nuuk in May 2011 on the impact of cumulative effects of climate change and industrial development in the Arctic, which threaten to cause the loss of grazing lands and the destruction, blockage or delay of critical reindeer migrations between seasonal pastures and thereby jeopardize the adaptive capacity of indigenous reindeer herders.

3. The Permanent Forum thanks the Centre for Applied Studies on Economic, Social and Cultural Rights for providing information about the initiative entitled "Evaluation on the impact of human rights", which will be shared with the members of the Forum for their consideration in the context of the future work of the Forum.

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4. The Permanent Forum learned of the threat posed to the health of indigenous peoples by four non-communicable diseases — diabetes, cardiovascular disease, cancer and chronic lung disease — and their common risk factors. The Permanent Forum welcomes the organization of a high-level meeting of the General Assembly on the prevention and control of non-communicable diseases and requests that representatives of indigenous peoples be invited to contribute and to participate in the meeting, as well as the interactive hearings with civil society scheduled for June 2011.

5. The Permanent Forum thanks the Governments of Canada and the United States of America for hosting its 2011 pre-sessional meeting, and thanks the Governments of the Plurinational State of Bolivia, Spain, Norway and China for having hosted previous pre-sessional meetings of the Forum. The Permanent Forum recommends that States that have not yet done so consider hosting future pre-sessional meetings. The Permanent Forum also requests that the Secretariat organize pre-sessional meetings for future sessions of the Forum.

6. The Permanent Forum recognizes the instrumental role of the Indigenous Peoples' Centre for Documentation, Research and Information in providing essential services to indigenous peoples and encourages United Nations bodies and agencies to facilitate the work of indigenous delegates representing indigenous peoples within the United Nations system by establishing partnerships with the Centre and to facilitate its financing.

7. The Permanent Forum has decided to appoint Ms. Paimaneh Hasteh, a member of the Forum, to complete a study entitled "Engaging indigenous peoples more inclusively in the process of disaster risk reduction by respecting linguistic and cultural practices of indigenous peoples known to be at risk" by 31 December 2012 and to submit it to the Forum at its twelfth session, in 2013.

8. The Permanent Forum has decided to appoint Raja Devasish Roy and Simon William M'Viboudoulou, members of the Forum, to conduct a study on shifting cultivation and the sociocultural integrity of indigenous peoples, to be submitted to the Forum at its eleventh session, in 2012.

9. The Permanent Forum has decided to appoint Anna Naykanchina, a member of the Forum, to undertake a study on the impacts of land-use change and climate change on indigenous reindeer herders' livelihoods and land management, including culturally adjusted criteria for indigenous land uses, to be submitted to the Forum at its eleventh session.

10. The Permanent Forum has decided to appoint Dalee Sambo Dorough, a member of the Forum to conduct a study of, as examples of good practice, the indigenous participatory mechanisms in the Arctic Council, the Circumpolar Inuit Declaration on Resource Development Principles in Inuit Nunaat, and the Laponia management system, to be submitted to the eleventh session of the Permanent Forum.

11. The Permanent Forum has decided to appoint members of the Forum, Megan Davis, Simon William M'Viboudoulou, Valmaine Toki, Paul Kanyinke Sena, Edward John, Álvaro Esteban Pop Ac and Mirna Cunningham Kain, to conduct a study on national constitutions and the United Nations Declaration on the Rights of Indigenous Peoples with a view to assessing the nature and extent of the inclusion of

indigenous peoples' human rights in national constitutions with reference to the rights affirmed in the Declaration.

12. The Permanent Forum takes note of the study by Mr. Lars-Anders Baer on the status of the implementation of the Chittagong Hill Tracts Accord of 1997 (E/C.19/2011/6) and supports the recommendations of the study, including the following:

(a) Reiterating the recommendations made by the Forum to the Department of Peacekeeping Operations at its fifth session (see E/2006/43, para. 87), the Permanent Forum recommends that the Department of Peacekeeping Operations prevent military personnel and units that are violating human rights from participating in international peacekeeping activities under the auspices of the United Nations;

(b) That the Government of Bangladesh declare a timeline and outline modalities of implementation and persons and/or institutions responsible for implementation;

(c) That the Government of Bangladesh undertake a phased withdrawal of temporary military camps from the region and otherwise demilitarize the region;

(d) That the Government of Bangladesh address the issue of impunity for human rights violations in the region by arranging a high-level, independent and impartial commission of enquiry into acts of violence perpetrated against indigenous peoples, including rape and other violence against women and girls, that implicate the army and other law enforcement agencies, and, where sufficient evidence exists, providing exemplary punishment to the perpetrators and reparations to the victims concerned.

13. The Permanent Forum takes note of the study by Mr. Bartolome Clavero on international criminal law and the judicial defence of indigenous peoples' rights (E/C.19/2011/4).

14. The Permanent Forum has decided to conduct a study on the United Nations Declaration on the Rights of Indigenous Peoples and national constitutions with a view to assessing the nature and extent of the inclusion of indigenous peoples' human rights in national constitutions with reference to the rights acknowledged in the Declaration.

15. The Permanent Forum acknowledges the Secretary-General's warning that an indigenous language dies every two weeks, expresses its critical concern about this dire situation and, as a part of its review, has appointed Edward John to follow up with the United Nations Educational, Scientific and Cultural Organization and the United Nations Children's Fund (UNICEF), other United Nations agencies and programmes and States to consider developments that will ensure the ongoing survival and revitalization of indigenous languages.

16. The Permanent Forum takes note of the study by Ms. Elisa Canqui on forced labour and indigenous peoples (E/C.19/2011/CRP.4) and urges Member States, in collaboration with United Nations agencies and regional intergovernmental organizations, to increase their efforts to combat forced labour and human trafficking and to put in place adequate instruments to protect victims, paying particular attention to indigenous peoples and the restoration of victims' rights.

Indigenous women

17. The Permanent Forum recommends that the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) include a focus on the situation and rights of indigenous women and girls in the compilation and implementation of its first strategic plan, for the period 2011-2013, particularly with regard to its efforts to increase women's political leadership and participation, promote women's economic empowerment and combat violence against women and girls, and that it draw on the expertise and advice of indigenous experts in the process.

18. The Permanent Forum recognizes the leadership of UN-Women in promoting gender equality and women's empowerment, including its facilitation of the engagement of women's representatives and organizations in the relevant international meetings, and recommends that UN-Women develop a policy on engagement with indigenous women and girls within the framework of the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Development Group Guidelines on Indigenous Peoples' Issues, and ensure the participation of indigenous women in all consultative processes.

19. The Permanent Forum recommends that these recommendations be transmitted to the members of the Executive Board of UN-Women at their first annual regular session, to be held from 27 to 30 June 2011.

20. The Permanent Forum recommends that in its awarding of grants, the Fund for Gender Equality and the United Nations Trust Fund to End Violence against Women, administered by UN-Women, take into account the need to enhance the human rights and situation of indigenous women and girls.

21. The Permanent Forum recommends that the efforts by Member States, the United Nations system and regional organizations to implement Security Council resolution 1325 (2000) on women and peace and security, in particular to promote the participation of women in conflict prevention, conflict management and post-conflict peacebuilding, take into account the effects of armed conflict on indigenous women, and recommends that in her work, the Special Representative of the Secretary-General on Sexual Violence in Conflict pay particular attention to the situation of indigenous women in armed conflict.

22. The Permanent Forum recommends that indigenous women and their views be duly represented in the discussions and outcomes of upcoming United Nations meetings and conferences, including the high-level meeting on addressing desertification, land degradation and drought in the context of sustainable development and poverty eradication, to be held in September 2011; the fifty-sixth session of the Commission on the Status of Women, themed "The empowerment of rural women and their role in poverty and hunger eradication, development and current challenges", to be held in February and March 2012; and the United Nations Conference on Sustainable Development (Rio+20), to be held in June 2012.

23. The Permanent Forum has decided to appoint members of the Forum, Eva Biaudet, Megan Davis, Helen Kaljuläte and Valmaine Toki, to undertake a study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the Declaration.

24. The Permanent Forum encourages United Nations agencies, in particular UN-Women, the United Nations Population Fund, the United Nations Office on Drugs and Crime, the United Nations Development Programme and UNICEF, to cooperate with and, if necessary, support the creation and consolidation of a Global Watch mechanism (observatory) led by indigenous women and focusing on collecting, organizing and monitoring information on violence against indigenous women and girls to provide greater visibility of and enhance advocacy for political action on the issue.

25. The Permanent Forum reiterates the recommendation contained in paragraph 12 of the report on its third session (E/2004/43) and requests that the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights, UN-Women, UNICEF, the Office of the United Nations High Commissioner for Refugees, the United Nations Office on Drugs and Crime and the International Labour Organization report periodically to the Permanent Forum on their progress in addressing the problems faced by indigenous migrant women and girls, including the alarming trend of trafficking within and across national and international borders.

26. The Permanent Forum urges Member States to ratify United Nations and regional instruments combating trafficking in human beings, in particular the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, and to establish transparent self-monitoring mechanisms to gather information on human trafficking and related phenomena, including the situation of indigenous women and children.

Discussion on the World Conference on Indigenous Peoples

27. The Permanent Forum on Indigenous Issues invited the Office of the President of the General Assembly at its sixty-fifth session to participate in an initial dialogue to hear the views of the representatives of indigenous peoples on the 2014 World Conference on Indigenous Peoples, with the participation of Member States as well as those attending its tenth session.

28. The presidency of the General Assembly stressed that the Permanent Forum has a central role to play and is uniquely qualified to provide input on the modalities for the Conference and, at a later stage, on its outcome. In this regard, the Permanent Forum welcomes the opportunity and full responsibility for playing this central role in the preparations for the forthcoming World Conference.

29. The Permanent Forum takes note of the commitment by the presidency of the General Assembly to transmit to all Member States the recommendations and comments resulting from the dialogue held during the tenth session.

30. The Permanent Forum urges the adoption of the modalities for the Conference before the end of 2011, during the sixty-sixth session of the General Assembly, and supports the strong call from the indigenous peoples' representatives on the need for urgent action regarding the structuring and initiation of regional preparatory processes for the World Conference.

31. The Permanent Forum affirms that the United Nations Declaration on the Rights of Indigenous Peoples is the primary guide for our collective work and is therefore highly relevant to the forthcoming World Conference. In this regard, the

Permanent Forum recalls that the General Assembly solemnly proclaimed its obligation, in accordance with the Charter of the United Nations, to advance indigenous human rights in order to "enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith".

32. In "a spirit of partnership and mutual respect", the Forum further emphasizes the important standards set out in articles 18 and 19 of the Declaration, which provide the following: indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures; and States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. Such direct participation by indigenous peoples throughout all stages of the World Conference is essential if the international community is to arrive at a constructive result that will genuinely improve the status and conditions of indigenous peoples worldwide.

33. The Permanent Forum is of the view that the most feasible time to have a broad-based interactive dialogue between Member States and indigenous peoples would be during, after or before its forthcoming annual sessions and that all stages of the preparatory process for the World Conference should be conducted in equal partnership between Member States and indigenous peoples.

34. The Permanent Forum welcomes the initiative of the Government of Mexico and the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean to host the Latin American and Caribbean preparatory meeting on the World Conference in 2012.

35. The Permanent Forum welcomes the invitation extended to indigenous peoples by the Saami Parliament of Norway to attend a preparatory meeting to be held in Alta, Norway, in 2013 to consolidate indigenous peoples' strategies and inputs for the World Conference.

36. The Permanent Forum also welcomes the recommendations made by a wide range of indigenous peoples' caucuses and representatives with respect to the establishment of a global steering committee to conduct the preparatory process with representation of the seven socio-cultural regions, indigenous women and youth, as well as the participation of the Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur and the Forum itself.

37. The Permanent Forum acknowledges and supports the strong appeal made by indigenous peoples' representatives to Member States, United Nations agencies, in particular the Voluntary Fund for Indigenous Populations, under the Office of the United Nations High Commissioner for Human Rights, and others to secure funding for the participation of indigenous peoples in the preparatory process and the Conference, to be held in 2014.

38. The Permanent Forum calls upon the presidency of the General Assembly at its sixty-fifth session to share with the membership of the United Nations the main conclusions of the dialogue held on the World Conference with the members of the Forum within the framework of its tenth session.

39. The Permanent Forum recommends to the presidency of the General Assembly at its sixty-fifth session the appointment of a facilitator to conduct open-ended consultations with Member States and representatives of indigenous peoples within the framework of the Permanent Forum, as well as with the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur, in order to determine the modalities for the meeting, including the participation of indigenous peoples in the Conference.

40. The Permanent Forum recommends that the presidencies of the General Assembly at its sixty-sixth and sixty-seventh sessions convene one-day interactive dialogues with Member States and representatives of indigenous peoples within the framework of the eleventh and twelfth sessions of the Forum.

41. The Permanent Forum calls upon all indigenous peoples worldwide to initiate national and regional preparatory meetings on the World Conference and to present the outcome and conclusion of the meetings as a report to the Forum at its eleventh session to serve as a valuable input for future discussions by the Forum on the matter.

Discussion on the United Nations Conference on Sustainable Development

42. The Permanent Forum welcomes the United Nations Conference on Sustainable Development as the prime opportunity for the world community to reaffirm the role of all key segments of humanity, including indigenous peoples, and to strengthen their roles in achieving sustainable development, in particular in a world threatened by climate change. Indigenous peoples, as rights-holders and ecosystem managers, have made major contributions to sound environmental governance at all levels: local, subnational, national, regional and global. The challenge lies in mainstreaming these knowledge systems, innovations and practices, which Agenda 21 calls "traditional scientific knowledge", for all of humanity, with the consent of indigenous peoples and in a spirit of partnership. The modalities for Rio+20, its preparatory phases and its follow-up mechanisms and processes must respect the rights of indigenous peoples, including those acknowledged in the United Nations Declaration on the Rights of Indigenous Peoples.

43. The Permanent Forum recalls the Kari-Oca Declaration (1992), the Kimberley Declaration and the Indigenous Peoples Plan of Implementation for Sustainable Development (2002) as important policy statements by indigenous peoples on sustainable development which are to be taken into consideration for the outcome document of Rio+20.

44. The Permanent Forum calls upon Member States to ensure equal, direct, meaningful and substantive indigenous participation at Rio+20 by including indigenous peoples' representatives in official delegations to the Conference and in the preparatory regional implementation meetings, including those to be held at:

(Latin America and Caribbean region) Economic Commission for Latin America and the Caribbean, 7-9 September 2011, Santiago;

(Africa region) Economic Commission for Africa and partners, 10-14 October 2011, Addis Ababa;

(Arab region) Economic and Social Commission for Western Asia and partners, 18-20 October 2011, Cairo;

(Asia-Pacific region) Economic and Social Commission for Asia and the Pacific, 19-20 October 2011, Seoul; and

(European region) Economic Commission for Europe, 1-2 December 2011, Geneva.

45. The Permanent Forum welcomes the initiative of indigenous organizations to hold a preparatory meeting on Rio+20 in Manaus, Brazil, from 11 to 13 August 2011, and calls on United Nations agencies, especially the Division for Sustainable Development of the Department of Economic and Social Affairs, the United Nations Environment Programme, non-governmental organizations and donors, to support the participation of indigenous peoples, including indigenous women and young leaders, in that process.

46. The Permanent Forum recommends that the Department of Public Information secure and fund indigenous peoples' participation in the 64th Annual United Nations Department of Public Information Non-Governmental Organizations Conference, to be held in Bonn from 3 to 5 September 2011 on the theme "Sustainable societies; responsive citizens" as an important preparatory event for Rio+20.